# PATENT COOPERATION TREATY

# **PCT**

# TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P803396/WO/1			ce	FOR FURTHER A	CTION	See Form PCT/IPEA/416	
International application No.				International filing da	te (day/month/year)	Priority date (day/month/year)	
PCT	/EP2	2004/013	014	17.11.200	4	13.12.2003	
Internati	ional Pa	tent Classificatio	n (IPC) or nati	onal classification and	IPC		
B21	D28/	<sup>7</sup> 28, B21	D26/02				
	Applicant  DAIMLERCHRYSLER AG						
1.				ninary examination rep e applicant according t		nternational Preliminary Examining Authority	
2.	This R	EPORT consists	of a total of _	6	sheets, including	this cover sheet.	
3.	This re	eport is also acco	mpanied by Al	NNEXES, comprising:			
	a. 📐	(sent to the	applicant and	to the International Bu	reau) a total of	sheets, as follows:	
sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).							
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.						
	ь. Г	7	International	Rureau only) a total of	(indicate type and number	r of electronic carrier(s))	
	o. <u>L</u>	(sem to the	international i	ourcus only) a total of	(maleure type and number	• • • • • • • • • • • • • • • • • • • •	
				readable form only, a rative Instructions).	s indicated in the Suppler	_ , containing a sequence listing and/or tables mental Box Relating to Sequence Listing (see	
4.	This re	eport contains inc	lications relati	ng to the following iten	ns:		
	$\boxtimes$	Box No. I	Basis of the	report			
		Box No. II	Priority				
		Box No. III	Non-establi	shment of opinion with	regard to novelty, inventi	ive step and industrial applicability	
		Box No. IV	Lack of unit	y of invention			
Box No. V Reasoned statement under Article 35(2 citations and explanations supporting s				• •	ty, inventive step or industrial applicability;		
		Box No. VI	Certain doc	uments cited			
	$\boxtimes$	Box No. VII	Certain defe	ects in the international	application		
	Box No. VIII Certain observations on the international application						
Date of submission of the demand				Date of completion of thi	s report		
Name and mailing address of the IPEA/EP				Authorized officer			
Facsimile No				Telephone No			

International application No.
PCT/EP2004/013014

Box	No. I		Basis of the report		
1.			to the language, this report is based on the internatio der this item.	nal application in the language in	which it was filed, unless otherwise
	This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:				
		i	nternational search (Rule 12.3 and 23.1(b))		
		Ц р	publication of the international application (Rule 12.4	)	
		i i	nternational preliminary examination (Rule 55.2 and/	or 55.3)	
2.	rece		to the <b>elements</b> of the international application, this fice in response to an invitation under Article 14 ar		
		the inte	ernational application as originally filed/furnished		
	$\boxtimes$	the des	scription:		
		pages	1-4		as originally filed/furnished
		pages*			
		pages*		received by this Authority on	
	$\boxtimes$	the clai			_
		nos.			as originally filed/furnished
		nos.*		-	
		nos.*		received by this Authority on	02.08.2005 with letter
		nos.*			
	$\square$			_ received by this Authority on	
		the dra			
		sheets	1/1		
		sheets*		received by this Authority on	
		sheets*		received by this Authority on	
	Ш	a seque	ence listing and/or any related table(s) – see Supplem	ental Box Relating to Sequence L	isting.
3.		The an	nendments have resulted in the cancellation of:		
		t	he description, pages		
		t	he claims, nos.		
		t	he drawings, sheets/figs		
			he sequence listing (specify):		
		а	any table(s) related to sequence listing (specify):		
4.			eport has been established as if (some of) the amendate been considered to go beyond the disclosure as file.		
		t	he description, pages		
			he claims, nos.		
			he drawings, sheets/figs		
			he sequence listing (specify):		
			any table(s) related to sequence listing (specify):		
*	If ite	ет 4 арр	lies, some or all of those sheets may be marked "sup	erseded."	

International application No.
PCT/EP2004/013014

Inventive step (IS) Claims $\frac{1}{Claims}$ Claims $\frac{1-3}{I-3}$ Industrial applicability (IA) Claims $\frac{1-3}{I-3}$	Box			licle 35(2) with regard to novelty, inventive step or industrial applicability; porting such statement	
Inventive step (IS)  Claims  Claims  Claims  1  Industrial applicability (IA)  Claims  1-3	1.	Statement			
Inventive step (IS)  Claims  Claims  1-3  Industrial applicability (IA)  Claims  1-3		Novelty (N)	Claims	2, 3	_ YES
Industrial applicability (IA) Claims 1-3			Claims	1	_ NO
Industrial applicability (IA) Claims 1-3		Inventive step (IS)	Claims		_ YES
Claims 2 0			Claims	1-3	_ NO
Claims		Industrial applicability (IA)	Claims	1-3	_ YES
			Claims		_ NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following document:

D1: DE-U-298 01 715.

The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).

It is pointed out that claim 1, as presently drafted, relates to a punch per se that is <u>suitable</u> for punching holes in the walls of hollow components to the inside of which high pressure is applied and which are accommodated in the shaping part of an internal high pressure forming tool.

Thus, claim 1 does not relate to said punch in combination with an internal high pressure forming tool for an internal high pressure forming process.

In consequence, claim 1 defines only a punch per se designed such that the region protruding into the component in which holes are to be formed is obliquely tapered in the direction of the cutting edge. A similar

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

punch is known from DE-U-298 01 715 (D1) (see figure 1 and punching head (10)). The punch (10) according to D1 is, in particular suitable for punching (and thus for forming holes) and not only for forming nipples or stamping (see page 3, second paragraph) and, as such, is likewise suitable for use in an internal high pressure forming tool.

The disclosure that a sealing surface is formed relates to the use of the punch for making holes in the walls of components to which internal high pressure is applied, the tapered design resulting in the creation of a sealing surface when the punch in inserted into the wall of the respective component. This disclosure does not constitute an additional technical feature of the punch. Moreover, a sealing surface would also be created between the punch and the wall if the punch known from D1, the end of which is tapered, were to be used in the same way.

Dependent claims 2 and 3 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for inventive step.

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		FC1/EF2004/013014			
Box No. VII	Certain defects in the international application				
The following defects in the form or contents of the international application have been noted:					
Contr	ary to PCT Rule 5.1(a)(ii), the desc	ription does not			
cite	document D1 or indicate the relevant	prior art			
discl	osed therein.				

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Box No. VIII	Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the description, are made:	the claims are fully supported by
The features of claim 2 relate to the punch and	shaping
part in combination, whereas claim 2 relates to	the punch
per se (PCT Article 6).	